

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86829266
LAW OFFICE ASSIGNED	LAW OFFICE 116
MARK SECTION	
MARK	https://tmng-al.uspto.gov/resting2/api/img/86829266/large
LITERAL ELEMENT	SYMÉTRIE
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
ARGUMENT(S)	
The examining attorney has refused registration under Section 2(d) based on cited Registration No. 3425380. Applicant is now the owner by assignment of cited Registration No. 3425380. A copy of the Assignment is submitted herewith, together with the e-mail confirmation of the filing of the Assignment for recording. Accordingly, Applicant requests that the refusal under Section 2(d) be withdrawn and that the application be approved for publication.	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_414156178-20161109103620098769_.ASSIGNMENT_OF_SKIN_SYMMETRY_TRADEMARK-2515866-v1.PDF
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT17\IMAGEOUT17\868\292\86829266\xml1\RFR0002.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\868\292\86829266\xml1\RFR0003.JPG
ORIGINAL PDF FILE	evi_414156178-20161109103620098769_.Confirmation_of_Skin_Symmetry_Assignment_Filing.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT17\IMAGEOUT17\868\292\86829266\xml1\RFR0004.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\868\292\86829266\xml1\RFR0005.JPG
DESCRIPTION OF EVIDENCE FILE	Copy of Trademark Assignment; Copy of e-mail confirmation of filing of Assignment for recording with USPTO.
CORRESPONDENCE SECTION	
ORIGINAL ADDRESS	MICHAEL SARNEY MORITT HOCK & HAMROFF LLP 450 SEVENTH AVENUE 15TH FLOOR NEW YORK New York US 10123

NEW CORRESPONDENCE SECTION	
NAME	MICHAEL SARNEY
FIRM NAME	MORITT HOCK & HAMROFF LLP
DOCKET/REFERENCE NUMBER	M-7234.03.01
INTERNAL ADDRESS	39th Floor
STREET	1407 Broadway
CITY	NEW YORK
STATE	New York
ZIP/POSTAL CODE	10018
COUNTRY	United States
PHONE	(212) 239-2000
EMAIL	msarney@moritthock.com
AUTHORIZED EMAIL COMMUNICATION	Yes
SIGNATURE SECTION	
RESPONSE SIGNATURE	/mfs/
SIGNATORY'S NAME	Michael F. Sarney
SIGNATORY'S POSITION	Attorney of record, New York bar member
SIGNATORY'S PHONE NUMBER	(212) 239-2000
DATE SIGNED	11/09/2016
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Nov 09 10:51:40 EST 2016
TEAS STAMP	USPTO/RFR-X.XX.XXX.XXX-20 161109105140207270-868292 66-570f4d42362e9ee6a6fa1c c759a3e28698e7c65f5669817 dfbbe14c4d45ff1163-N/A-N/ A-20161109103620098769

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PTO Form 1960 (Rev 10/2011)
OMB No. 0651-0050 (Exp 07/31/2017)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **86829266** SYMÉTRIE(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/86829266/large>) has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

The examining attorney has refused registration under Section 2(d) based on cited Registration No. 3425380. Applicant is now the owner by assignment of cited Registration No. 3425380. A copy of the Assignment is submitted herewith, together with the e-mail confirmation of the filing of the Assignment for recording. Accordingly, Applicant requests that the refusal under Section 2(d) be withdrawn and that the application be approved for publication.

EVIDENCE

Evidence in the nature of Copy of Trademark Assignment; Copy of e-mail confirmation of filing of Assignment for recording with USPTO. has been attached.

Original PDF file:

[evi_414156178-20161109103620098769_.ASSIGNMENT OF SKIN SYMMETRY TRADEMARK-2515866-v1.PDF](#)

Converted PDF file(s) (2 pages)

[Evidence-1](#)

[Evidence-2](#)

Original PDF file:

[evi_414156178-20161109103620098769_.Confirmation of Skin Symmetry Assignment Filing.pdf](#)

Converted PDF file(s) (2 pages)

[Evidence-1](#)

[Evidence-2](#)

CORRESPONDENCE ADDRESS CHANGE

Applicant proposes to amend the following:

Current:

MICHAEL SARNEY
MORITT HOCK & HAMROFF LLP
450 SEVENTH AVENUE
15TH FLOOR
NEW YORK
New York
US
10123

Proposed:

MICHAEL SARNEY of MORITT HOCK & HAMROFF LLP, having an address of
39th Floor 1407 Broadway NEW YORK, New York 10018
United States
msarney@moritthock.com
(212) 239-2000
The docket/reference number is M-7234.03.01 .

SIGNATURE(S)**Request for Reconsideration Signature**

Signature: /mfs/ Date: 11/09/2016

Signatory's Name: Michael F. Sarney

Signatory's Position: Attorney of record, New York bar member

Signatory's Phone Number: (212) 239-2000

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Mailing Address: MICHAEL SARNEY
MORITT HOCK & HAMROFF LLP
39th Floor
1407 Broadway
NEW YORK, New York 10018

Serial Number: 86829266

Internet Transmission Date: Wed Nov 09 10:51:40 EST 2016

TEAS Stamp: USPTO/RFR-X.XX.XXX.XXX-20161109105140207

270-86829266-570f4d42362e9ee6a6fa1cc759a

3e28698e7c65f5669817dfbbe14c4d45ff1163-N

/A-N/A-20161109103620098769

ASSIGNMENT OF TRADEMARK

WHEREAS, Bentley Laboratories, LLC ("Bentley"), a Delaware limited liability company, having a place of business located at 111 Fieldcrest Avenue, Edison, New Jersey 08837 ("Assignor"), has adopted, used, and is the owner of the entire right, title and interest in and to a certain trademark, and all registrations and pending applications therefore, including, the registration listed in Schedule A hereto and made a part hereof (collectively, the "Scheduled Mark"), and the priority rights associated therewith; and

WHEREAS, the said Assignor desires to transfer, assign, convey, deliver, set over and vest all of said right, title and interest in the Scheduled Mark to Exceptional Parfums, LLC ("EP"), a New York limited liability company, having a place of business located at 900 Grand Blvd., Deer Park, New York 11729 ("Assignee"); and

WHEREAS, Assignee desires to receive from Assignor all of said, right, title and interest in the Scheduled Mark;

NOW THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, Assignor does hereby assign, convey, transfer, deliver, set over and vest to and in Assignee, its successors and assigns, absolutely and forever, its entire right, title, and interest, whether statutory or common law, in and to the Scheduled Mark, and all the rights and privileges related thereto, including but not limited to the priority rights arising from the use thereof and the applications and registrations therefore, the right to recover and take all such proceedings as may be necessary for the recovery of damages or otherwise in respect of past, present and future infringement and dilution, together with that part of the goodwill of the business connected with the use of and symbolized by the Scheduled Mark.

Assignor agrees to execute such further papers and do such other acts as may be necessary to obtain or assign the Scheduled Mark, including but not limited to, any acts which may be necessary, desirable or convenient for claiming said priority rights and perfecting Assignee's title in the Scheduled Mark.

IN WITNESS WHEREOF, Assignor has caused this Assignment of Trademark to be executed and delivered as of this 3rd day of November, 2016.

Assignor
Bentley Laboratories, LLC

By:


Name: Brian Fitzpatrick
Title: President

SCHEDULE A

Mark

Registration No.



3,425,380

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1

Stylesheet Version v1.2

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	ASSIGNMENT OF THE ENTIRE INTEREST AND THE GOODWILL		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Bentley Laboratories LLC		11/03/2016	Limited Liability Company: DELAWARE
RECEIVING PARTY DATA			
Name:	Exceptional Parfums, LLC		
Street Address:	900 Grand Blvd.		
City:	Deer Park		
State/Country:	NEW YORK		
Postal Code:	11729		
Entity Type:	Limited Liability Company: NEW YORK		
PROPERTY NUMBERS Total: 1			
Property Type	Number	Word Mark	
Registration Number:	3425380	SKIN SYMMETRY	
CORRESPONDENCE DATA			
Fax Number:	7322246599		
Phone:	732-741-3900		
Email:	mskrocki@ghclaw.com		
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.</i>			
Correspondent Name:	Melissa V. Skrocki		
Address Line 1:	125 Half Mile Road		
Address Line 2:	Giordano, Halleran & Ciesla, P.C.		
Address Line 4:	Red Bank, NEW JERSEY 07701		
ATTORNEY DOCKET NUMBER:	13584-0001		
NAME OF SUBMITTER:	Melissa V. Skrocki		
Signature:	/Melissa V. Skrocki/		

Date:	11/04/2016
Total Attachments: 2 source=GHCDOCS-#2515866-v1-ASSIGNMENT_OF_TRADEMARK#page1.tif source=GHCDOCS-#2515866-v1-ASSIGNMENT_OF_TRADEMARK#page2.tif	
RECEIPT INFORMATION	
ETAS ID:	TM404495
Receipt Date:	11/04/2016
Fee Amount:	\$40